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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/075,569	02/13/2002	Rudolph V. Bailey SR.		9894	
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Rudolph V. Bailey Sr.			EXAMI	EXAMINER	
DBA JESUS & Bailey Inc. 938 Shank Road Dover, DE 19904			PEREZ, GUILLERMO		
Dover, DE 199	904		ART UNIT	PAPER NUMBER	
			2834		

DATE MAILED: 04/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152)		Application No.	Applicant(s)			
## Capable Office Action Summary Capable Office Action Summary Capable Office Off		10/075,569	BAILEY, RUDOLPH V.			
- The MALLING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. 18 The MALLING DATE OF THIS COMMUNICATION. 18 The period for regive pecified above is less than thirty (30) days, a regiv within the sclattatory minimum of thirty (30) days will be considered timely. 19 If the period for regive pecified above is less than thirty (30) days, a regiv within the sclattatory minimum of thirty (30) days will be considered timely. 19 If the period for regive pecified above is less than thirty (30) days, a regiv within the sclattatory minimum of thirty (30) days will be considered timely. 19 If the period for regive pecified above is less than thirty (30) days, a regiv within the sclattatory minimum of the Period (30) days will be considered timely. 19 If the period for regive pecified above is less than thirty (30) days, a regiv within the scholar (51) (10) days will be considered timely. 20 If this period is regive to communication. 21 Period (30) days will be considered timely. 22 If this action is FINAL. 23 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quay/e, 1935 C.D. 11, 453 O.G. 213. 22 Is a sclare of Calaims 4) Claim(s) is/are pending in the application. 4) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s)	Office Action Summary					
A SHORTHEND STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be worked believed for the socialise and 57 CFR 1.33(a). In no event, however, may a reply be timely filed after SIX 69 MONTH Stron the mailing date of this communication. - If the period or may be second above is less than thin (30) days, a reply white the statutory militroum of thin, (30) days will be considered timely. - Palaire to reply which the set of extended period for reply will, by statute, cause the application to become ABANDONED rest U.S.C. § 133, - Any reply received by the Office later than there members after the making date of this communication, even if timely filed, may reduce any. - Palaire to reply within the set of extended period for reply will, by statute, cause the application to become ABANDONED rest U.S.C. § 133, - Any reply received by the Office later than there members date the making date of this communication, even if timely filed, may reduce any. - Any reply received by the Office later than there making date of this communication, even if timely filed, may reduce any. - Any reply received by the Communication (s) filed on		Guillermo Perez	2834			
IFE MAILING DATE OF THIS COMMUNICATION. Exclusions of this may be available under the provisions of 37 CPR 1.138(e). In no event, however, may a reply be timely flied Exclusions of this may be available under the provisions of 37 CPR 1.138(e). In no event, however, may a reply be timely flied If the period for may be specified above is been thriver (30) days. a reply within the abatalory minimum of thiny (30) days will be considered above, the meaning and the statutory minimum of thiny (30) days. a reply within the abatalory minimum of thiny (30) days. If the period for may be specified above, the meaning main statutory period all periods the considered above, the meaning above and periods on the considered above, the meaning above and the periods of the communication. If the period for many specified above, the meaning above the manufacture of the communication of the communication. Responsive to communication(s) filled on Province this application is in condition for allowance except for formal metters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) [is/are pending in the application. 4a) Of the above claims 4) Is/are allowed. Claim(s) is/are allowed. Claim(s) is/are allowed. Claim(s) is/are allowed. Claim(s) is/are rejected. 7) Claim(s) is/are objected to by the Examiner. 10) The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The proposed drawing correction filled on is/allowed above the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The proposed of the priority documents have been received in Application No 13 Copies of the certified copies of the priority documents have been received in App	The MAILING DATE of this communication appears on the cover sheet with the correspondence address					
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DETAILED ACTION

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by: application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

It does not state that the person making the oath or declaration has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

It does not identify the citizenship of each inventor.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim describes a system that operates perpetually without any source of power. It is not clear how the proposed system manages the inherent internal operating losses to function indefinitely.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1 is rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility.

The proposed perpetual motion cycle does not take into consideration that the energy inputted to the electric motor is transformed into at least mechanical and heat energy. The mechanical energy is outputted through the motor shaft and the heat energy is transmitted through at least the friction existing between moving parts like the bearings and the gears. As soon as the initial inputted source of energy is disconnected from the electric motor, the energy received from the generator will be transformed into at least mechanical and heat energy in the electric motor and gears. Therefore, the

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mechanical energy provided by the electric motor to the generator will continuously be less than the energy the generator is providing to the electric motor, until the system comes to a stop.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guillermo Perez whose telephone number is (703) 306-5443. The examiner can normally be reached on Monday through Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308 1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305 3432 for regular communications and (703) 305 3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

Guillermo Perez Saturday, April 05, 2003 NESTOR RAMIREZ SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2800